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List of issues in relation to the fifth periodic report of Jordan

Addendum

Replies of Jordan to the list of issues*

[Date received: 12 July 2017]

* The present document is being issued without formal editing.

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Replies to the list of issues in relation to the fifth periodic report of Jordan on the International Covenant on Civil and Political Rights

Constitutional and legal framework within which the Covenant is implemented (art. 2)

1. The Islamic sharia applies to Muslims and also in marital disputes in which one of the spouses is a Muslim, while non-Muslims are subject to the provisions of their own religious laws. In view of the fact that the Muslims chose the Islamic sharia as a source of legislation, the law is an expression of their wishes and opinions, which must be respected since all the components of society participated in the formulation of that law the provisions of which were accepted and agreed upon. The Constitution stipulates that the sharia courts, which adjudicate in Muslim family matters, shall apply the provisions of the sharia in their judgments. Citizens would not accept or acquiesce in any encroachment on the people's right of choice in this regard.

Actual expenditure and revenue during the period from 2011 to the end of 2017

Financial year		*Actual from 2011 to the end of 2016*						*Estimated for 2017*
		2011	*2012*	*2013*	*2014*	*2015*	*2016*	*2017*
I.	Salaries	332 854	332 521	331 416	358 618	397 478	432 372	479 220
	Total salaries	**332 854**	**332 521**	**331 416**	**358 618**	**397 478**	**432 372**	**479 220**
II.	Expenditure							
1.	Operating expenses	132 465	156 019	147 718	184 568	234 149	258 926	251 248
2.	Training courses	400	0	0	330	0	14 295	53 200
3.	Costs of monitoring and control activities	0	0	0	960	11 507	54 804	13 400
4.	Contingency fund	0	0	0	0	0	0	5 000
	Total	**132 865**	**156 019**	**147 718**	**185 858**	**245 656**	**328 025**	**322 848**
	Total of I and II	**465 719**	**488 540**	**479 134**	**544 476**	**643 134**	**760 397**	**802 068**

2. The National Centre for Human Rights has a staff of 51 male and female employees.

3. His Majesty the King ordered the Prime Minister and the President of the Judicial Council at the time to study and implement the Centre's recommendations. The Government therefore adopted a procedure that differed from the one that had previously been applied. The Council of Ministers formed a committee, headed by the Minister of Justice at the time, to draw up a national plan for human rights, which had been one of the basic recommendations of the National Centre for Human Rights, representatives of which participated in the Committee's work.

4. That plan emphasized the need to harmonize national legislation with international treaties and conventions in order to avoid any gaps or shortcomings in the national legislation concerning basic rights and freedoms as defined in international standards. An executive plan for the promotion of a culture of human rights was adopted in 2014.

5. In 2014, the post of Governmental Coordinator for Human Rights was established in the Office of the Prime Minister. This helped in the follow-up and implementation of the

Centre's recommendations, in collaboration with the authorities concerned, insofar as it enabled the Government to respond to those recommendations, made during the last five years, through periodic reports, the most recent of which was issued in the second week of May 2017. These reports as a whole gave an idea of the steps that all the official institutions had taken in regard to the observations and recommendations that the National Centre for Human Rights had made in the field of legislation, policies or practices and, quite apart from the Centre's desire to constantly receive the highest degree of responsiveness from the Government, the extent to which those steps were consistent with its recommendations signified the Government's willingness to apply them. The Centre regards this level of responsiveness on the part of the Government as a good indication of the positive manner in which the Government treats its recommendations, which are designed solely to promote and protect human rights. Such responsiveness can logically be viewed as an expression of a desire on the part of the Government to take the Centre's recommendations seriously.

Non-discrimination and equality between men and women (arts. 2-3, 23-24 and 26)

6. The impact of women's participation in political life through their political empowerment and participation in public life also forms the subject of paragraph 24 of the list of issues.

7. The legislative developments in various aspects of women's social empowerment in accordance with the human security and social protection component of the National Strategy for Women are illustrated by the promulgation of new laws and regulations and the amendment of numerous existing legislative instruments with a view to the promotion of women's rights.

8. The Integrity and Anti-Corruption Act of 2016 made provision for the establishment of an Integrity and Anti-Corruption Agency to enforce compliance with the principles of national integrity, combat corruption and ensure that the public administration applies the legislation in a transparent manner consistent with the principles of justice, equality and equal opportunities.

9. The Maintenance Loan Fund for which provision was made in Act No. 48 of 2015, in accordance with the economic empowerment component of the National Strategy for Women, was designed to ensure timely payment of the maintenance awarded to a wife, children, aged persons and other beneficiaries when its payment would otherwise be unenforceable. An amount of 1 million dinars was allocated in the State's general budget for 2016 in order to implement the provisions of the Act. Logistical matters are currently being dealt with so that the Fund can be put into operation.

10. The flexible work scheme introduced in 2017 defines types of flexible work, such as flexible working hours or working from home, in a manner consistent with workers' needs. The scheme does not affect any of the rights to which workers are entitled under the Labour Code.

11. The Social Security Act of 2014 extended the pension scheme's coverage to self-employed workers for the first time and also made provision for the payment of unemployment and maternity insurance benefits. Jordan thereby became the first Middle Eastern country to introduce a maternity insurance scheme and, in 2014, it also became the first Middle Eastern country to ratify the ILO Social Security (Minimum Standards) Convention, 1952 (No. 102). In February 2017, the Council of Ministers decided to increase the minimum wage for Jordanian workers from 190 to 220 dinars.

12. Within the context of the social empowerment of women in accordance with the human security and social protection component of the National Strategy for Women, the Protection against Domestic Violence bill of 2017 made provision for mechanisms for its enforcement, including sanctions in the form of community service, which would encourage women to submit complaints in the event of their subjection to domestic violence, and procedures for the reporting of such violence.

13. Within the same context of the social empowerment of women in accordance with the human security and social protection component of the National Strategy for Women, the Criminal Code amendment bill which has been tabled in the House of Representatives

defines certain criminal acts and introduces new concepts of punishment, including community service. It also criminalizes offences against the family and persons with disabilities, increases the penalties in respect of certain offences against persons and acts of indecent assault and repeals article 308. Regulations governing shelters for females at risk were promulgated in Act No. 171 of 2016.

14. Progress has been made in regard to the incorporation of a gender perspective insofar as national plans have been developed for the incorporation of this perspective in national legislation, policies, plans, programmes and budgets.

15. In April 2014, the Prime Minister issued circulars instructing all ministries and official institutions to conduct a comprehensive review of the legislation governing their activities in order to determine the extent of its consistency with the international instruments that Jordan has ratified.

16. The State's general budget is required to incorporate an institutionalized gender perspective and must be drawn up, approved, implemented and monitored in a gender-sensitive manner. The statement introducing the budget for 2017 stipulated that a gender component must be included in all governmental reporting.

17. One of the main aims of the "Jordan 2025" socioeconomic vision, which the Government has prepared through a collaborative endeavour, is to promote the socioeconomic empowerment of women and the Government's executive programme for the period 2016-2019 has already been drawn up.

18. National planning indicators and the National Strategy for Women need to be harmonized with the sustainable development goals for women up to the year 2030 and, to this end, a Higher Committee on Sustainable Development, including representatives of the Jordanian National Commission on Women and civil society institutions, has been established and two sectoral teams, in addition to those of the Government's development programme, have been formed. One of these teams, on gender and equality between the sexes, is headed by a representative of the National Commission on Women, while the other, on public freedoms and human rights, is headed by a representative of the National Centre for Human Rights. The task of these two teams is to ensure that all the goals of the 2030 Sustainable Development Agenda are harmonized in the national plans and the Government's executive programme.

19. The Government's programme of action for the period 2013-2016 includes plans and programmes comprising a number of executive measures that can be applied to promote women's participation in the production process, provide social protection and amend legislation that discriminates against women in the labour market.

20. The Jordanian National Commission on Women has formed a national coalition to implement United Nations Security Council resolution 1325 on women, peace and security. The Prime Minister has also formed a steering committee to monitor the implementation of the resolution and a national plan that is being prepared to that end includes protection, prevention, participation, relief and recovery measures. Workshops to raise awareness concerning resolution 1325 have been held in collaboration with the Armed Forces, Public Security, the Gendarmerie and the Civil Defence and the national plan is expected to be completed in the near future and submitted to the Council of Ministers for approval.

21. The activities proposed in the national plan include the conduct of a study on the impact of sexual violence on female refugees, the challenge posed by mechanisms for the monitoring of sexual violence, and the development of strategies to strengthen existing mechanisms and provide gender-sensitive services.

22. The plan also includes ways to ensure active participation by women in the security sector and peacekeeping missions and in the preparation and implementation of professional and vocational programmes such as training in leadership, counselling and the conduct of studies to identify obstacles impeding female participation in the security sector. Since 2014, the Department of Refugee Affairs in the Public Security Directorate has been providing security and protection services for male and female refugees in the Syrian refugee camps where the community police are keeping order with the help of female members of the public security forces. Offices of the Family Protection Department have

also been established to receive complaints concerning acts of violence and, in particular, gender-based violence.

23. The plan for the implementation of the "Equal Future" Initiative 2016-2018 was prepared with a view to promoting political and economic participation by women. The Council of Ministers formed a national steering committee to draw up the plan, the purpose of which is to facilitate and monitor the review and implementation of the initiative and ensure that decisions concerning obligations and measures pertaining thereto can be taken without difficulty. In this regard, the institutions concerned, in consultation with members of the steering committee, will help to achieve the initiative's goals. Each institution has specified the policy and legislation-related activities that it intends to implement or advocate to empower women and promote their economic and political participation.

24. An analytical study of the current status of women in the civil service sector was conducted in 2015 and circulated in accordance with Council of Ministers decision No. 10132 of 14 June 2015 so that its findings could be used to determine the measures needed to facilitate greater access by women to senior and supervisory posts in the civil service in accordance with the principles of competence, merit and equal opportunities, particularly in departments in which women hold only a small proportion of such posts.

25. In order to promote women's participation in public service, the leadership capacity-building programme for women working in the public sector is endeavouring to increase the number of women holding senior and supervisory posts in the governmental administration. With a view to achieving this objective in a professional and sustainable manner and ensuring the successful assumption of senior posts by women, training courses were held for 180 participants in 2015 and a further 180 participants in 2016. This programme is not being implemented solely at the central level; the Ministry has also held capacity-building courses for women in the northern and southern regions with the ultimate objective of increasing the proportion of women in senior positions.

26. The equality of Jordanians before the law is a principle enshrined in the Jordanian Constitution, article 6 of which stipulates that "Jordanians shall be equal before the law, without any discrimination between them in regard to their rights and obligations on grounds of race, language or religion."

27. Consequently, national legislative texts are formulated in a generalized and abstract manner in keeping with that constitutional principle. The National Charter also stipulates that all Jordanians, regardless of their gender, have equal rights and obligations, and this principle is reaffirmed in the National Agenda through the programmes that it includes.

28. The legislation governing matters of personal status comprises a number of legal principles and rules designed to protect women and their rights in accordance with the principles of justice enshrined in the Islamic sharia under which a woman enjoys the same rights as a man in respect of legal capacity, without any distinction between them in this regard. Reference must also be made to the special nature, in the Islamic sharia and the national laws, of the marriage contract, family relations and the respective rights and obligations and complementary roles of each of the spouses, which dispels any suspicion of discrimination.

29. Article 5 of the Personal Status Act No. 36 of 2010 states that marriage is a contract between a man and a woman which provides a legitimate framework for family formation and procreation. The Act stipulates that the man and the woman are equal partners in the marriage contract, which cannot be concluded without the freely given consent of the woman, and that any flawed or incomplete willingness on the part of either of them renders the marriage invalid.

30. Article 6 of the Act makes it clear that a marriage cannot be contracted without an offer by one party and acceptance by the other at the signing of the contract. It is universally accepted procedure that the parties to the contract are those who conclude it in person or through legal representatives. The Act uses the phraseology "one of the parties to the marriage makes a spoken offer and the other accepts" (these are the two parties to the marriage contract — the man and the woman). Hence a woman has the full right to enter into marriage of her own free, sound and unimpaired will. Moreover, the Act is carefully

designed to ensure that the woman is not a victim of deception insofar as it states, in her interest, that the husband must be a suitable partner.

31. Article 10 of the Personal Status Act stipulates that any person who has reached marriageable age is entitled to marry and thereby form a new family. That stipulation ensures effective protection of the right and freedom of persons to enter into marriage.

32. With regard to the marriage of persons over 15 but under 18 years of age, article 10 of the Personal Status Act stipulates that, for a marriage to be valid, both the bride and the groom must be of sound mind and over 18 solar years of age.

33. The basic and general rule is that the legal age for marriage is 18 years. However, pursuant to article 10 of the Personal Status Act and subject to approval by the *Qadi al-Qudat* (Chief Justice of the Sharia Courts), a judge may marry a person who has reached the age of 15 years if there is an imperative need for such marriage, in the light of the said person's interests, in conformity with the following legal directives published in the Official Gazette:

1. The groom must be an appropriate partner for the bride, meeting the suitability requirements specified in article 21, paragraph (a), of the Personal Status Act;

2. The judge must ascertain their full and freely given consent;

3. The court must ascertain, by any means that it deems appropriate, the imperative nature of the need for the marriage in the light of an economic, social, security-related or other interest and the likelihood of it securing a benefit or averting a detriment;

4. The court must take into account, as far as circumstances permit, the extent to which authorization of the marriage would be evidently appropriate by ensuring that the bride and groom are of compatible ages, that it is not a second marriage and that it would not cause either of the parties to drop out of school education;

5. The contract must be concluded with the guardian's consent, due regard being shown for the provisions of articles 17, 18 and 20 of the Personal Status Act;

6. The court must draw up an official record, certifying that it has checked and ascertained the above-mentioned requirements for authorization of the marriage, and then refer the file, together with the record, to the Department of the *Qadi al-Qudat* for examination and appropriate action. The file is subsequently submitted to the *Qadi al-Qudat* who, in turn, submits it to a panel of senior judges and, after the case has been studied in detail in the presence of the *Qadi al-Qudat*, a decision is taken to grant or refuse approval;

7. After approval has been granted by the *Qadi al-Qudat*, a writ authorizing the marriage is drawn up in due and proper form;

8. The marriage contract is concluded after it has been ascertained that there are no impediments thereto under sharia or statutory law.

34. Hence, an intended marriage of such a nature can be concluded only after the court has conducted a thorough study thereof before deciding whether to authorize it. The file is submitted to the Department of the *Qadi al-Qudat* where it is examined by a panel of three senior judges and then submitted to the *Qadi al-Qudat* for approval or rejection in accordance with due process.

35. With regard to polygamy, the law allows a man to take another wife, subject to certain terms and conditions, provided that his first wife has not made a prior stipulation in her marriage contract to the effect that he may not do so. If he disregards that stipulation by taking another wife, the conclusion of the second marriage contract gives his first wife the right to apply for termination of her marital relationship without renouncing any of her financial entitlements, including the advance and deferred *mahr* (dower) and the maintenance due during the waiting period (*idda*) before she is allowed to remarry. In fact, even if she has not made such prior stipulation, the first wife has the right to terminate her marital relationship by claiming that the second marriage, which she has not consented to or

acquiesced in, has caused her psychological pain and suffering, which constitutes a reason for requesting separation on grounds of marital discord and conflict.

36. The Act has regulated this matter in a new form by allowing a second marriage only after the judge has ascertained that:

(a) The groom has the financial means to pay the *mahr*;

(b) The groom has the means to fulfil his maintenance obligations in respect of his first and second wives and children;

(c) The bride has been informed that the groom is already married;

(d) The first wife will be notified of the marriage contract after it has been concluded.

37. With regard to measures to ensure non-discrimination in regard to divorce and grounds therefor, the Jordanian Personal Status Act stipulates that a woman has the right to terminate her marital relationship, even against her husband's wishes. She is allowed to stipulate in her marriage contract that she will remain free to divorce whenever she so desires while retaining all her rights arising from the marriage contract as if her husband had initiated the divorce.

38. The Act grants a woman the right to separation on a number of grounds which enable her to terminate her marital relationship if she so wishes. These grounds include venereal disease, repulsive physical defects, abandonment, impotence and refusal or inability to pay maintenance or the advance *mahr*.

39. Furthermore, in order to safeguard the woman's interests, including her right to motherhood, the Act has introduced a new ground for separation, namely sterility of the husband. It also regulates the husband's financial liabilities towards his wife if he divorces her unilaterally; in such a case he must pay any outstanding advance and deferred *mahr* in full, as well as compensation for arbitrary divorce, maintenance during the *idda*, custody support, housing support and child support (including the cost of children's education and medical treatment), in respect of which the woman bears no liability.

40. With regard to discrimination in matters of inheritance, it should be noted that, for the first time, inheritance is now regulated by a statutory instrument, the Personal Status Act, albeit on the basis of provisions of the Islamic sharia. The vast majority of Jordan's population are Muslims and are content — indeed, keen — to apply Islamic law in their daily lives, including in matters of inheritance. Since inheritance is addressed in a detailed and precise manner in the Islamic sharia, it constitutes an integrated, inviolable and immutable calculating system that leaves no room for discretion or interpretation.

41. The principle underlying inheritance is fairness, based on the extent of the heir's need for the inheritance and the obligations of the heir towards the deceased, during the latter's lifetime, in the light of the degree of kinship between them. Accordingly, a female may inherit in a number of ways; in some cases she may inherit as much as a male, or may be the sole heir if her presence excludes any male heirs, and, in other cases, she may inherit more than a male. This refutes any allegation of discrimination against women in matters of inheritance.

42. The mathematical equations for inheritance are based on fairness, the extent of the heir's need for the inheritance, the degree of kinship between the heir and the deceased and the obligations of the heir towards the deceased during the latter's lifetime. Hence, in the shares of inheritance calculated on the basis of those equations, there is no disparity between males and females, the only difference being among males and among females respectively. A proper understanding of the principles on which inheritance is based is sufficient to rebut any presumption of discrimination in this respect.

43. Both the Islamic sharia and Jordanian law accord women precedence over men in respect of entitlement to child custody, regardless of whether the marriage bond is extant or has been dissolved. In fact, men have less rights than women in this respect since the main aim is to ensure the best interests of the child while, at the same time, safeguarding the rights of the woman. Furthermore, under the provisions of the Act, the age of the child at

which the mother is entitled to custody has been raised to 15 years. Beyond that age, the child is allowed to choose the parent with whom he or she wishes to live, provided that the child's interests would not be prejudiced thereby.

44. The Act has also introduced new provisions concerning visitation. Regardless of whichever parent has custody of the child, both parents have equal visitation rights. If the custody is granted to another woman or to the father, the mother retains the right to request the child to spend the night with her, provided that she undertakes to safeguard the child's interests. The Act also recognizes the mother's right to travel outside the country with her child, subject to rules and conditions which are designed to protect and safeguard the interests of the child.

45. The Act contains numerous provisions designed to protect the best interests of the children of non-Muslim women. The fact that the mother is not a Muslim in no way implies that she is deprived of custody of her children, even those over 10 or 11 years of age, as there are other criteria that need to be taken into account in order to ensure the best interests of both the mother and the child.

46. With regard to the appointment of women in the Department of the *Qadi al-Qudat*, we wish to point out that more than half of the staff of the family reconciliation and mediation offices are women. Their continued employment and an increase in their number are matters that will be decided in the light of their achievements, the need for them and the public interest.

Violence against women, including domestic violence (arts. 2-3, 7 and 26)

47. The Family Protection Department has delivered 226 lectures, attended by 5,650 persons, in universities, colleges, training institutes and organizations and bodies concerned with the issue of domestic violence. A total of 1,260 persons benefited from 63 visits by organizations and institutes and 11 courses have been held at the Department's headquarters for 204 members of the public security forces.

48. The Department has established branches in Ma'an, western Irbid and Tafilah to promote the concepts of family protection, respect for human rights and the need to safeguard the lawful exercise of public freedoms.

49. A plan of action for the Family Guidance Committee has been prepared in accordance with a scientific methodology and the collaborative institutional procedure for the provision of the best services.

50. Through its programmes and activities, the Questscope social development organization has contributed to the creation of an appropriate development environment by encouraging and helping family members to understand their situation and identify their problems.

51. The Family Protection Department has assigned a liaison officer for the Child-Friendly Cities Initiative that has been launched in collaboration between the Greater Amman Municipality and UNICEF under the royal patronage of Her Majesty Queen Rania Al-Abdullah.

52. The Child-Friendly Cities Initiative, which is based on the application of indicators relating to environmental safety, health, security, education and infrastructure, is designed to promote the values of participation in the decision-making process on matters of concern to children. The Department of Reform and Rehabilitation Centres has appointed a liaison and coordination officer who has arranged interviews with 10 inmates of the Reform and Rehabilitation Centre for Women in regard to whom appropriate measures have been taken in collaboration with human rights organizations and other international bodies. The Human Trafficking Unit of the Criminal Investigation Department has also appointed a liaison officer to look into the cases of victims at the shelter run by the Jordanian Women's Union and the Karama shelter, run by the Ministry of Social Development and the Charitable Association for the Care of Orphans, where 100 young women of various Asian nationalities have been accommodated.

53. In coordination with a representative of the Borders and Residence Department, endeavours are being made to ensure that victims are exempted from the imposition of fines for overstaying their residence permits. Four such fines have so far been waived. The following table shows the number of cases processed by the Family Protection Department in 2016:

Number of cases processed

Sexual assault	*Physical assault*	*Total*
544	1 089	1 633
Number of cases referred to the Office of Social Services		2 044
Number of cases referred to the Administrative court		344
Total		**4 020**

54. The Protection against Domestic Violence Act No. 15 of 2017 made provision for numerous means of protection, such as the use of modern technology and video recorded interviews, for victims under 18 years of age or juvenile witnesses in court hearings and cross-examinations. It also offers the possibility of settlement by the Family Protection Department, subject to certain conditions. All cases involving domestic violence, the proceedings are conducted in a fully confidential manner and court hearings can be held on official and weekly holidays if the circumstances of the case so require.

55. With regard to article 308, the Royal Commission that was established to develop the judiciary and enhance the rule of law recommended the abrogation of that article and the bill of law promulgating the new Criminal Code is currently being debated in the House of Representatives prior to its adoption in accordance with the statutory procedures.

56. The Ministry of Social Development acts in strategic partnership with a number of local and international civil society organizations such as the River Jordan Foundation, the Jordanian Women's Union, the Al-Adl Centre for Legal Aid, the National Council for Family Affairs which constitutes the main umbrella organization for all family-related matters, the Family Protection Department of the Public Security Directorate, public institutions (forensic medicine/judiciary) and ministries (Health/the Interior/Education).

57. The Ministry provides social services through its offices that have been established in all parts of the Kingdom and through the offices of the Family Protection Department. Each case is dealt with in the light of its needs and requirements and the requisite services, including family counselling, reconciliation and behaviour modification, are provided on the basis of social studies. Other services, such as emergency and recurrent financial and legal aid, are rendered in coordination with partners. Shelter services for women and girl victims of violence are provided through the family reconciliation centres (one was established in the central region in 2007, one in the northern region in 2015 and another is being established in the southern region). A shelter is also being established for women at risk or in administrative detention.

58. In addition to the above, the Ministry's Awareness-Raising and Education Division organizes numerous workshops and informative lectures on gender-based violence and parental care in collaboration with partners or through the Ministry's local community development centres.

59. With regard to crimes of honour, the text of article 340 of the Criminal Code was amended by Act No. 8 of 2011 under the terms of which a man can no longer enjoy impunity by pleading exonerating circumstances if he discovers his wife or a close female relative (*mahram*) committing an act of adultery or fornication. He can only plead mitigating circumstances and, under the amended article, a wife can also benefit from such circumstances if she discovers her husband committing an act of adultery or engaging in an illicit sexual relationship in the marital home.

Counter-terrorism measures (arts. 4 and 9)

60. The measures taken to combat terrorism are intended to protect the basic human rights to life and security of person. These measures are in no way prejudicial to human rights since a balance is maintained between counter-terrorism measures and the promotion and protection of human rights, which necessitate compliance with legal procedures and safeguards.

61. The Prevention of Terrorism Act is a deterrent instrument designed to prevent the financing of terrorism and the recruitment of terrorists in accordance with Jordan's international commitments to combat terrorism and protect the basic human rights to life and security of person.

62. The decisions taken pursuant to the Prevention of Terrorism Act are compatible with the provisions of the International Covenant on Civil and Political Rights, being provided for by law as measures necessary for the protection of national security and public order. Furthermore, such decisions are taken pursuant to court judgments that are subject to appeal. Any person accused of committing a terrorist act is brought before the competent court and guaranteed a fair trial as required under the Covenant.

Right to life, prohibition of torture and other cruel, inhuman or degrading treatment or punishment, and the right to an effective remedy (arts. 2 and 6-7)

Widespread torture

63. The right to life is sacrosanct in all religious laws, under which no one has the right to violate another person's right to life. Assault on the life of one person is tantamount to assault on the lives of all. In conformity with this principle, every person has the right not to be subjected to torture, as well as the right to respect for his or her human dignity. The Public Security Directorate, which is one of the principal law enforcement agencies, has taken steps to raise the awareness of its personnel, including commissioned and non-commissioned officers and other ranks, in this regard through training courses, workshops and symposiums designed to make them better informed on the subject of the crime of terrorism, ways to combat it and the manner in which cruel or inhuman treatment of arrested persons and detainees should be avoided.

64. In keeping with Jordan's sincere endeavours to apply the Convention against Torture, the Public Security Directorate, believing in the importance of the Convention for the promotion and protection of human rights, has taken numerous successful steps at the institutional and administrative levels to implement the Convention by preventing the practice of torture or other cruel, inhuman or degrading treatment or punishment. The training received by the Public Security Directorate's personnel, which has increased their familiarity with the provisions of the Convention and heightened their awareness of its importance and the need for compliance therewith, has considerably enhanced their performance and their contribution to the achievement of Jordan's ultimate objective, namely the total eradication of torture within its territory. In this regard, the following should be noted:

- The body responsible for bringing to justice any public security officials who perpetrate crimes, including torture, is a specialized prosecution agency that was established under the terms of a permanent and effective statute and, in this regard, is subject to no authority other than the law. Its investigation and prosecution proceedings are conducted in accordance with the rules, regulations and procedures applied in the ordinary courts which are fully consistent with international standards, particularly in regard to safeguards for a fair trial.
- All acts committed by public security personnel which, at the time of their commission, constituted a crime of torture are investigated, classified under the appropriate legal category and referred to the court where they are subject to the same legal controls as other crimes. The following table contains statistics concerning the number of such cases referred to the court (it is noteworthy that three cases of suspected torture which have been referred are still being heard):

Number of cases of ill-treatment brought against public security personnel in 2015 and 2016

	Cases of ill-treatment			
Year	*Convictions*	*Acquittals*	*Still being heard*	*Referred to the police court*
2015	58	162	9	23
2016	21	167	14	6

65. The Public Security Directorate is proud of its achievements and the progress made in ensuring respect for human rights. Numerous plans, strategies, policies, visions and aspirations are also being formulated to attain even higher standards. The main aim of the Directorate is to protect human rights and, to that end, it is diligently taking all the measures needed to promote, safeguard and ensure respect for human rights by providing a humane security service. In keeping with this concept, the Directorate has taken a number of important practical steps, including the following:

- Its selection criteria for the recruitment of police personnel have been developed and upgraded in such a way as to ensure that physically, mentally and morally suitable candidates are chosen and trained under specialized ongoing programmes.
- A culture of human rights has been promoted among all ranks of the security and police forces through training programmes, workshops and awareness-raising activities. Special emphasis is placed not only on the safeguards that persons in conflict with the law enjoy under the provisions of international and national legal instruments during judicial investigation and questioning procedures but also on the consequences of any violations thereof and the disciplinary, criminal and civil liability that such violations entail.
- Human rights-related subjects have been included in the study curricula of the Directorate's training academies and special training courses have been introduced on the culture of human rights and their international, regional and national legal reference sources.
- Awareness of the deontology and the humanitarian, social and moral aspects of police work has been developed through training in the police code of conduct and professional ethics and the obligation to provide a humane security service has been highlighted.
- Emphasis has been placed on the importance of using modern technology and sophisticated methods to establish the true facts concerning criminal acts, without resorting to any form of physical or psychological coercion of suspects. The Public Security Directorate provides its members with training in human rights in order to enable them to perform their duties with optimal efficiency in accordance with the laws and regulations and in a manner consistent with Jordan's obligations under the human rights instruments that it has ratified.
- Believing that culture forms part of the social fabric and, as such, is not immutable, the Directorate has done its utmost to bring about a change in the widely held and stereotyped view of gender roles in order to create a favourable environment for changes in practices and strengthen the ability of women to exercise their full constitutional rights by involving them in all aspects of police work without any gender-based discrimination.
- The Directorate has established an Office for Transparency and Human Rights, reporting to the Director of Public Security in person, which is responsible for receiving complaints from citizens who have been subjected to ill-treatment; calling to account persons found to have used their authority in an abusive or arbitrary manner; and ensuring that international human rights standards are applied in reform and rehabilitation centres, places of detention and all public security facilities.
- The Directorate has also established an Information Office and a "Security FM" radio station as a true expression of its open-door information policy, its transparent

dealings with the public and its willingness to receive their comments and complaints by telephone and respond thereto in a positive and clear manner through press communiqués or directly on the air. This service makes it easier for citizens to submit complaints or criticisms without the inconvenience of having to travel.

Office for Transparency and Human Rights

66. The Office for Transparency and Human Rights was established on 21 July 2005, under the name of Office for Grievances (Ombudsman) and Human Rights at the time, and reports to the Director of Public Security in person. It is a control body that performs the following functions: receiving complaints; investigating and prosecuting any violations or erroneous and unlawful practices that might be committed by public security officials; remedying any procedures or practices that are inconsistent with the provisions of the law; establishing safeguards to ensure justice, accountability and transparency; verifying compliance with these principles; detecting and endeavouring to prevent any violations of human rights; calling their perpetrators to account in accordance with due process of law; and promoting human rights. The Office is vested with full powers, equivalent to those of the Public Prosecution, under the Public Security Act which regulates the activities of its prosecutors and requires them to act in accordance with the Code of Criminal Procedure.

67. The Office has numerous working mechanisms, the principal one being the conduct of a criminal investigation into any complaint received in due and proper form. It also handles administrative complaints in numerous ways by, inter alia, contacting or communicating with the authorities concerned and issuing recommendations, reports and proposals as required.

68. Complaints are submitted by various methods: the complainant can present himself in person at the Office for Transparency and Human Rights/Public Security Directorate or communicate with it in a formal or informal manner by telephone (06/5635766), email (shakawi.office@psd.gov.jo) or fax (06/5635767). Complaints are received, looked into and followed up in an effective, prompt, thorough and impartial manner in order to ensure an equitable outcome. The Office also has complaint boxes in all the reform and rehabilitation centres and every complaint placed therein by any inmate is investigated.

The conditions to be met for acceptance of the complaint

69. The Office for Transparency and Human Rights receives reports and complaints pursuant to article 20 of the Code of Criminal Procedure. The follow-up to complaints in the Office of Transparency and Human Rights is similar to that undertaken by the Public Prosecution Service in terms of ascertaining the seriousness of the complaint and investigating whether it is based on objective data that warrant support for the request for redress. The following conditions must be met for acceptance of the complaint:

1. The complaint must be written down, incorporated in a special record by the public prosecutor and signed by the complainant, in accordance with article 54 of the Code of Criminal Procedure;

2. It must contain full particulars of the complainant's identity;

3. It must specify the grounds for the complaint and provide a detailed description of the subject matter;

4. The necessary documents and evidence should be attached if the investigation so requires.

The Police Court

70. It should be noted that the Police Court is independent of all other public security units. It has jurisdiction to hear cases involving public security staff members. Its procedures meet all the norms and guarantees of a fair trial and comply with all the procedural rules applicable pursuant to the Code of Criminal Procedure in the regular courts. Its decisions in criminal cases may be appealed to the Court of Cassation, which has authority to review the objectivity of the decisions handed down by the Police Court and to invalidate its procedures. The Public Security Act was amended in 2010 to provide for the

involvement of regular judges in the establishment of the Police Court with a view to providing the requisite guarantees of a fair trial. Furthermore, a Police Appeal Court, comprising one or more chambers as required, has been established pursuant to the recently amended Public Security Act. Each chamber is composed of a president of at least the rank of colonel, and of at least two members, one of whom is a regular judge appointed by the President of the Judicial Council. The functions of the Public Prosecution Service are performed by the Prosecutor General or one of his assistants. Judgments in criminal cases handed down by the Police Court can be appealed to the Police Appeal Court in accordance with the provisions of the Code of Criminal Procedure. Appeals can be filed by the Public Prosecution Service, the complainant, the plaintiff and the convicted person.

Visits of civil society organizations to reform and rehabilitation centres

The following table shows the number of visits by official bodies, international organizations and civil society organizations to reform and rehabilitation centres in 2016

Visiting body	*Number of visits*
International Committee of the Red Cross	58
National Centre for Human Rights	36
Members of the Public Prosecution Service	41
Diplomatic bodies and embassies	129
Members of the clergy and religious communities	77
Civil society organizations	59
Office of the High Commissioner	43
Social Development	54
Prisoners Welfare Association	28
Total	**525**

71. Written and oral instructions exist in the Directorate that absolutely prohibit, under all circumstances, the subjection of a detainee or a person requesting the Directorate's services to any kind of coercion and ill-treatment. The Directorate also has a procedure for receiving and responding to complaints and enquiries. In addition, it receives complaints and enquiries from the National Centre for Human Rights via the Directorate's liaison officer with the Centre. It investigates the veracity of the complaint, takes appropriate action and sends a reply to the Centre, in a transparent and flexible manner. The office of Inspector General of the Directorate has been established. The office holder is tasked with receiving and examining citizens' complaints regarding the performance of the Directorate's duties. Provision is made for participation in many human rights courses and workshops organized by civil society organizations and some international organizations.

72. The General Intelligence Directorate is a security institution. Admission for persons other than employees requires certain security and preventive measures due to the nature and sensitivity of its work. Access therefore calls for prior coordination. The National Centre for Human Rights prepares reports on its visits to the Directorate's detention centre. The reports are studied with a view to addressing the observations and recommendations contained therein.

Voluntary termination of pregnancy (arts. 3, 6, 7, 17 and 26)

73. Chapter III of the Jordanian Criminal Code, as amended by Act No. 8 of 2011, deals with abortion in articles 321 to 325 as follows:

> Any woman who commits an abortion (regardless of whether it is self-induced or undertaken with the assistance of another person) is punishable with a prison term of between 6 months and 3 years. A person who provides assistance for an abortion, with the woman's consent, is punishable with a prison term of between

1 and 3 years. If the abortion leads to the woman's death, a harsher penalty of temporary hard labour for a period of not less than five years is imposed if the abortion was undertaken with the woman's consent. Any person who undertakes an abortion without the woman's consent is punishable with hard labour for a period not exceeding 10 years. A penalty of not less than 10 years is imposed if the abortion or the means used to perform it lead to the woman's death. However, a woman who performs an abortion to protect her honour benefits from mitigating circumstances. The same applies to a person who commits the crime of abortion, either with or without a woman's consent, to protect the honour of a descendant or a relative up to the third degree.

Migrant domestic workers (arts. 2, 8 and 26)

74. They are subject to the provisions of the 2009 Labour Code. In view of the importance of the sector, its privacy and the workers' presence inside their employer's home, a number of Labour Code regulations and instructions have been issued that grant the worker greater privileges than those stipulated in the Labour Code itself. The work of the agencies involved in their recruitment and monitoring is regulated in accordance with the provisions of the Labour Code, and the Minister is authorized to close down an agency forthwith if it is found to have committed human rights violations.

75. Regulation No. 12 of 2015 is applicable to private agencies involved in the recruitment and employment of non-Jordanian domestic workers. The following are some of its most important provisions:

1. The requirement to insure domestic workers (insurance enabling a worker to leave or refuse employment; health insurance; accident and life insurance);

2. Authorization of the Minister to close down an agency forthwith if it fails to comply with the applicable regulations and instructions;

3. Classification of agencies as A, B or C, depending on their degree of compliance with the law;

4. Establishment of a shelter for domestic workers.

76. Some of the instructions regarding domestic workers have also been amended, in particular:

1. A reduction in the number of working hours for domestic workers to eight;

2. When a worker leaves the house in which she is employed, she is merely required to inform the owner of the place where she is spending her leave and is not required to obtain his consent for the purpose;

3. The worker is also entitled to refuse to work for a domestic employer and to work for another domestic employer instead.

77. The Minister of Labour issued a decision requiring employers to open a bank account for domestic workers and to provide evidence thereof when renewing the work permit or during the procedure for legal transfer to another guardian. This decision entered into force in July 2011. In addition, the employer is prohibited from withholding the worker's passport and she must have access thereto if she wishes to make withdrawals or deposits. The Minister also issued a decision aimed at remedying the situation of all irregular domestic workers in the Kingdom and exempting them from fees paid for permits in previous years.

78. A model procedure has been developed for the transfer of a domestic worker from one sponsor to another. The worker must appear before the responsible official and answer questions in private to ensure that she has not been subjected to pressure by the agency or the sponsor, that she has been paid all her dues and that she has consented to work for the new sponsor. No transfer can be made save in accordance with this procedure. A labour inspector is sent to the embassy of each State of origin of domestic workers to promote coordination and cooperation, to ensure that all domestic workers can exercise their rights as speedily as possible, and to address pending issues with the embassy. Visits were also

paid to a number of domestic worker recruitment and employment agencies to monitor their compliance with the applicable legal provisions, and to ensure that they were not exploiting domestic workers in any way that contravened human rights principles. A hotline was set up to enable domestic workers to lodge complaints or make enquiries. There are interpreters who speak the workers' languages (Bengali, Filipino, Chinese, Indonesian, Sri Lankan as well as Arabic).

79. With regard to the establishment of a shelter for non-Jordanian domestic workers who have declined employment or left their job, article 16 of Regulation No. 12 of 2015 concerning private agencies involved in the recruitment and employment of non-Jordanian domestic workers stipulates that: "A shelter shall be established for non-Jordanian domestic workers who refuse to work or leave their employment, in cooperation with the competent authorities. The procedures for its management and funding, the bodies to be involved in such action, and all other matters pertaining thereto shall be determined on the basis of instructions from the Council of Ministers based on the Minister's recommendation."

80. The Ministry of Labour is currently drafting a new regulation governing domestic workers with a view to addressing the shortcomings that came to light during the implementation of the current regulation. The Ministry will establish a shelter for non-Jordanian domestic workers who refuse to work or who leave their employment, in cooperation with the union of owners of agencies for the recruitment and employment of non-Jordanian domestic workers. The necessary financial allocations will be made and qualified managers will be appointed as soon as possible.

Liberty and security of persons and humane treatment of persons deprived of their liberty (arts. 7, 9 and 10)

81. Complaint boxes have been installed in all reform and rehabilitation centres supervised by the Office for Transparency and Human Rights. Any complaints received are addressed in accordance with the applicable legal provisions. In addition, memoranda of understanding have been signed between the Public Security Directorate and several other bodies such as the National Centre for Human Rights, the Bar Association and other institutions dealing with human rights. The National Centre for Human Rights Act permits the Centre to inspect reform centres and detention facilities without a security escort, thereby enhancing the credibility of respect for human rights by the Public Security Directorate.

82. The State devotes special attention and continuous care to reform and rehabilitation centres and detention facilities, in line with its policy of reforming and rehabilitating inmates, avoiding cruel or degrading treatment, and using all available resources to achieve this lofty goal. The Public Security Directorate has taken a number of steps in this context to promote respect for human rights. For instance, the staff of the reform and rehabilitation centres receive special training. Programmes and courses are organized, both locally and abroad, and officers and individuals are sent to other countries to learn and derive benefit from their experience in this area. The staff of reform and rehabilitation centres receive training and instruction in how to treat inmates in accordance with legal norms and professional ethics. Specific standards applicable to the qualifications of staff employed in the reform and rehabilitation centres have been developed. Furthermore, the centres are inspected and the performance of their staff is permanently monitored. Legal assistance is also provided to inmates. Thus, rooms have been reserved for lawyers in all reform and rehabilitation centres so that inmates can meet in private with their lawyers as a legal safeguard at the various stages of the proceedings.

83. All reform and rehabilitation centres may be visited by persons authorized by law to conduct monitoring and inspection activities, such as the Prosecutor General and his assistants, presidents of courts and public prosecutors, in order to receive complaints, listens to comments, monitor performance, address any shortcomings, and ensure that the inmates' rights are not violated and that the applicable legislation is respected.

84. There is a police public prosecutor in most reform and rehabilitation centres and police departments, and the inmates' right to complain and to have the complaint investigated is guaranteed. Committees composed of a number of officers are set up to

investigate acts perpetrated by inmates in the reform and rehabilitation centres, and the requisite legal steps are taken on completion of the investigation.

85. The Public Security Directorate attaches great importance to the environment in detention facilities and its alignment with international and national human rights standards. Steps have been taken to renovate all security facility buildings, including temporary detention facilities, and to improve the quality of the services provided to detainees. All the facilities have been upgraded, renovated and expanded, and a number of model temporary detention centres have been established in security facilities, in line with international and national standards. Some of the facilities have also been closed for renovation purposes. A number of committees were set up to study and develop the conditions in detention facilities and to remedy any flaws. A manual was published for the facilities and distributed to all public security units, and sustainable plans were developed with a view to improving detainees' living conditions and aligning them with international standards.

86. There are numerous monitoring mechanisms to oversee the conditions of detainees, including unannounced visits by members of the Public Prosecution Service, the judiciary, the Public Security Directorate and bodies such as the Office for Transparency and Human Rights. Such inspections are usually conducted jointly with the National Centre for Human Rights at all temporary detention facilities.

87. The Public Security Directorate has installed surveillance cameras so that the competent authorities can monitor the staff in temporary detention facilities and their treatment of detainees. In addition, detainees can contact their relatives and inform them of their whereabouts on admission to the detention facility. This is recorded in the detainee's case file in each detention facility.

88. Furthermore, lawyers are permitted to attend the preliminary interrogation conducted by the police in security facilities. Lawyers may also contact their clients and sign the statutory agreement to defend them in diverse courts (in accordance with the Memorandum of Understanding signed between the General Security Directorate and the Bar Association).

89. Detainees must be informed of the charges against them and the judicial body to which they will be referred.

90. The Public Security Directorate deals with all citizens in a clear and transparent manner and without discrimination, in accordance with article 6 (1) of the Jordanian Constitution. It is also required by articles 7 and 8 of the Jordanian Constitution to safeguard their personal freedom and to refrain from arresting them or restricting their freedom save in accordance with the provisions of the law. Persons who are arrested by the security authorities must be informed of all their rights and duties, the charges against them and the judicial body to which they will be referred, in accordance with the Code of Criminal Procedure.

91. With a view to respecting human rights in all police activities, the Public Security Directorate is required, on observing any signs of ill health, to conduct an independent medical examination of the detainee concerned. Such persons may not be placed in detention in a security facility until their health situation has been ascertained. They must be sent to hospital for a medical examination and may only be admitted to the temporary detention facility on receipt of a medical report indicating that they are in good health and are not suffering from any illness. Such procedures are recorded in a special case file. All records, such as the register of telephone calls, which specify the time at which detainees contact their families, and inspection records, must be made available on request.

92. The report of the Royal Commission for Developing the Judiciary and Enhancing the Rule of Law reaffirmed in paragraph 5 of the recommendations on the modernization of criminal justice and enforcement of judgments the importance of the following procedures: providing defendants with the requisite guarantees at the preliminary stages of the investigation by informing them of the details of the investigation prior to their interrogation, on pain of rendering the evidence derived from it null and void; enabling defendants to communicate with their lawyers in the latter's presence and ensuring that guarantees similar to those prescribed for the interrogation are provided in the event that the

defendant is confronted with witnesses; ensuring that the defendant's lawyer is present during the preliminary investigation of offences that are punishable by a prison term of 10 years or more, and that a lawyer is appointed by the public prosecutor if the defendant is unable to do so; requiring the public prosecutor to question the defendant, as a right and as a means of defence, during the preliminary investigation, and ensuring the invalidity of evidence resulting from an unlawful investigation by means of an explicit provision to that effect. Moreover, the investigation order must be reasoned and implemented within seven days of the date on which it was issued. It was also recommended that the legislation should treat pretrial detention as an exceptional measure. The justification for such detention should be clearly specified and the scope of the offences for which it may be ordered as well as its duration should be limited.

Right to a fair trial and independence of the judiciary (art. 14)

93. The latest amendments to article 101 of the Constitution guarantee that a civilian cannot be tried in a criminal case before a court that is not entirely composed of civilian judges. The Constitution limits courts' jurisdiction. The State Security Court Act was issued in accordance with these constitutional amendments. Its areas of jurisdiction are defined as treason, espionage, terrorism, drugs and counterfeiting of currency. It should be noted that judgments handed down by the State Security Court are subject to review by the Court of Cassation, and that the State Security Court applies the Code of Criminal Procedure.

Freedom of conscience, religion or beliefs (arts. 2, 18 and 26)

94. Islamic sharia guarantees freedom of belief and expression, as evidenced by a number of Qur'anic texts. One text states that there shall be no coercion in religion (Al-Baqarah: 256), while another states that people cannot be compelled to believe (Yunus: 90). Freedom of belief and worship is thus protected by the Islamic sharia and nobody may ever be compelled to convert to Islam.

95. Article 14 of the Jordanian Constitution guarantees freedom of religion. It stipulates that the State shall protect the freedom of religious practice and belief, in accordance with established customs in the Kingdom, provided that they are not detrimental to public order or morality.

96. There are a number of Baha'is in Jordan who practise their religious rites freely and without any interference. They have a central place of worship in Amman and local places of worship in other parts of the Kingdom. No religious, political or civil restrictions are imposed on the religious group.

97. With regard to apostasy from Islam, no criminal proceedings are instituted or penalties imposed on the apostate, except in certain cases related to dissolution of marriage and denial of inheritance. Such action is taken solely in response to the wishes of the apostate's wife, who is frequently unwilling to remain with her husband and files for the dissolution of marriage. The State does not interfere in such proceedings. Similar action may be taken in response to the wishes of the testator, who may not wish to leave a legacy to the apostate. Testators who wish to leave a legacy to the apostate can mention that fact in their will and even increase the relevant share of the inheritance. If they fail to do so, it may be concluded that they do not wish to bequeath anything to the apostate, in which case the judgment is a true expression of their will.

Freedom of opinion and expression (art. 19)

98. Journalists in Jordan are prosecuted before the Press and Publications Court (the chamber specializing in media-related cases) for any offences committed through the publication of various kinds of press material, such as news, investigations, op-eds and satires. They are not tried before the State Security Court, especially since the amendment of the Jordanian Constitution in 2011 and the amendment of the State Security Court Act in 2014, which confined the jurisdiction of the State Security Court to the offences of treason, espionage, terrorism, drugs and the counterfeiting of currency.

99. The definition of acts of terrorism in article 3 of the Prevention of Terrorism Act is clear, precise and fully consistent with international counter-terrorism norms based on the development of internationally known means and categories of terrorism, for instance intellectual terrorism, which has recently been used by terrorist groups through the media and social media. The Act is therefore applicable to any citizen or resident who commits an act that constitutes one of the acts of terrorism defined in the Act, regardless of his or her status as a journalist, lawyer, engineer or member of any other profession, in accordance with the principle of equality before the law. Accordingly, journalists are not arrested as such. Perpetrators of acts of terrorism are arrested pursuant to an investigation conducted by an investigating judge (the Public Prosecution Service) for a specified period and in accordance with the conditions prescribed by law. The arrest warrant issued by the public prosecutor is reviewed by the judiciary, and an appeal may be lodged with the Court of Appeal, which is composed of three judges. The investigation and trial are conducted in accordance with the Code of Criminal Procedure, which guarantees fair trial standards, in accordance with article 14 of the International Covenant on Civil and Political Rights, in a manner that preserves the person's dignity and reputation, and provides for the prosecution of law enforcement officers who deprive persons of their liberty in an unlawful manner. Furthermore, the relevant Jordanian legislation prohibits torture, and there is no record of any journalist having been subjected to torture.

100. The independent judiciary is the body responsible for delivering judgments and regulating cases. The cases classified by the judiciary as falling under the Prevention of Terrorism Act are not covered by article 19 of the International Covenant on Civil and Political Rights, which guarantees freedom of opinion and expression, but by article 20. The Government, as the executive authority, does not interfere with the work of the independent judiciary, since this would violate the Constitution.

101. The Public Security Directorate's role as a law enforcement agency in safeguarding the freedom of the media is limited to providing protection to journalists and media professionals in the performance of their duties. The freedom of journalists or media professionals is never undermined if they perform their duties in compliance with the law. The measures taken by the Public Security Directorate with a view to providing protection for journalists during their coverage of the sit-ins and demonstrations included specification of locations from which they could cover the events and a special dress code (fluorescent jackets with stickers indicating media or journalists) to distinguish them from the participants in the events. With regard to the arrest of media professionals, no media employee or journalist has been arrested save on the basis of an arrest warrant.

The following table shows the number of demonstrations and sit-ins from 2014 to 2016

Year	*Sit-ins*	*Demonstrations*	*Strikes*	*Free speech rallies*	*Gatherings and protests*	*Total*
2014	1 015	362	310	154	2 931	4 808
2015	686	182	78	153	262	1 361
2016	719	254	134	1 944	278	3 329

102. The Government of Jordan has consistently protected the right to freedom of opinion and expression for the general public and for journalists in particular, in accordance with the International Covenant on Civil and Political Rights, by means of the following actions:

103. Adoption and promulgation of the Access to Information Act in 2007. The Act is implemented in a manner that highlights the determination of government bodies to promote transparency and to enhance trust between them and the general public, as well as their absolute commitment to journalists' freedom to obtain information and to express their opinions freely. The committees of the House of Representatives have drafted an amendment to the Act aimed at providing journalists with information or news as speedily as possible, depending on the nature of the news or information required and within a period not exceeding two weeks. They have also drafted a number of progressive amendments, such as expansion of the membership of the Information Council to include the President of the Bar Association and the President of the Journalists' Union. In addition,

an amendment guarantees the right of access to information not only for Jordanians but for everyone residing in Jordan.

104. An amendment to the Press and Publications Act that was adopted in 2007 reaffirmed the right of access to information, and underscored the need for all official bodies and public institutions to make it easier for journalists to review their programmes and plans. It also emphasized that no restrictions should be imposed on freedom of the press or on journalists' right to such freedom.

105. No prior censorship may be imposed on the media or media professionals. Furthermore, all penalties involving deprivation of liberty have been replaced with fines, and the aggrieved party has the right to file a civil suit in order to claim damages.

106. The legislation governing the media, namely article 42 of the Press and Publications Act, prohibits the arrest of journalists for expressing their opinions orally, in writing or through any other means of expression. With regard to general legislation, such as the Criminal Code, the Cybercrime Act and the Contempt of Court Act, which contains provisions concerning legal liability for publication offences, the provisions in question are not applicable solely to media professionals or institutions but to all parties who perpetrate the criminal acts defined in the legislation, regardless of their status, if the acts are perpetrated through a means of publication that is not necessarily a media outlet. The exemption of journalists or media professionals from these general provisions that are applicable to all Jordanians would constitute a violation of article 6 (a) of the Jordanian Constitution, which states that Jordanians are equal before the law, and that there shall be no discrimination between them in terms of rights and duties on grounds of race, language or religion.

107. Some offences punishable under the Criminal Code with severe criminal penalties were incorporated in the Press and Publications Act, and some criminal penalties involving deprivation of liberty were replaced with fines when article 38 was added to the Press and Publications Act. Hence the penalty of imprisonment was replaced with a fine.

108. A specialized judicial chamber whose members possess expertise and know-how in media cases has been established, and cases are addressed as a matter of urgency within four months. The Amman Court of First Instance has jurisdiction to consider offences committed by the media against the internal and external security of the State, in accordance with article 42 of the Press and Publications Act. Moreover, journalists are not required to attend all court hearings and may be replaced and represented by their legal agent (lawyer), in accordance with article 168 of the Code of Criminal Procedure.

109. Journalists or media professionals may lodge a complaint against a party who subjects them to harassment, intimidation or unjust detention, seeking a legal decision that attests to their independence and impartiality.

110. Article 19 (3) of the International Covenant on Civil and Political Rights states that freedom of expression may be subjected to restrictions of two types: first, to protect the rights of the State; and secondly, to protect the rights of citizens. The Committee that interprets the Covenant decided that such restrictions do not jeopardize freedom of expression if they are provided for by law. Accordingly, general legislation concerning information, especially general criminal legislation that deals with crimes committed through the publication of information, regardless of the means of publication, are consistent with international standards of freedom of opinion and expression. The legislation sought to protect and respect the rights and reputation of others, and the inviolability of private life, and to protect internal and external security, public order, public health and public morals. It also sought to combat any advocacy of national, racial or religious hatred, or any incitement to violence among citizens. All these legal provisions are internationally recognized and are consistent with articles 19 and 20 of the International Covenant on Civil and Political Rights and with the Jordanian Constitution. In addition, the legislation in force bolsters the right of journalists and media professionals to exercise their right to criticize the performance of public officials and government institutions, in accordance with article 192 of the Criminal Code.

111. With regard to the number of cases in which journalists and web bloggers have been prosecuted, the reasons for such prosecution and the outcome of the cases, the legislation amending the Audiovisual Media Act and the Press and Publications Act abolished the sentence of imprisonment for journalists. Jordanian citizens and journalists enjoy the right to express their opinions within the bounds of the law. Persons were arrested, however, in certain cases.

112. It should be noted that the judiciary has the final say on this matter, classifying the cases in legal terms and deciding which laws are applicable thereto. The Government does not interfere with the work of the judiciary. Some of the cases in which journalists or web bloggers were arrested had nothing to do with their professional status. Any other person who committed the same act would have been liable to similar legal proceedings. The grounds for the prosecution were the perpetration of acts that contravened the legislation in force. Such acts were deemed by the Public Prosecution Service to warrant their arrest in accordance with the applicable legal conditions. With regard to the outcome of the cases, the judiciary has the final say, and no sentence of imprisonment was imposed on a journalist in the cases concerned.

113. The Government launched the Jordan Media Strategy (2011-2015) in response to the demands of the local press corps. The aim was to enable the national media, both public and private, to display a high degree of professionalism and national responsibility on issues relating to the nation and its citizens.

114. Jordan has achieved qualitative media advances through the implementation of the strategy. There have been remarkable developments in the legislation governing media activities, for instance amendments to the Press and Publications Act No. 8 of 1998, enactment of the Audiovisual Media Act, and amendments to the State Security Court Act, the Press Association Act No. 15 of 1998, and the Juveniles Act No. 24 of 1968. In addition, articles 278 and 190 of the Criminal Code were amended. Most of these amendments had entered into effect by the end of 2015. Amendments to the Access to Information Act are currently before the House of Representatives pending completion of the requisite legislative procedures.

115. All press and audiovisual media have been given the opportunity to operate freely provided that they comply with the licensing procedures. Furthermore, community radio broadcasting has been promoted with a view to achieving plurality and diversity for all segments of society and to ensure that the media sector attracts investment that supports the national economy.

116. It should be noted that, according to the records of the Media Commission, licences have been issued to 49 television channels, 25 of which broadcast Jordanian content, to 43 radio stations and to 192 electronic newspapers. Decisions to grant or deny applications for a licence are judicially monitored, so that an aggrieved party can appeal to the courts.

117. The Government sought to involve all representatives of the media sector in preparing the strategy with a view to building trust among citizens and journalists in the Government's positions and in the action it has taken to support freedom of the media.

118. In the field of self-regulation, the Government has urged the media to adopt the Electoral Charter of Honour established by the Independent Electoral Commission. If journalists were to sign the Charter when covering the elections, it would promote the order and discipline to which journalists aspire.

119. One of the tasks assigned to the Committee that monitors the implementation of the Media Strategy is to establish a complaints council and to ensure the independence of its composition and work. However, it has hitherto failed to achieve a consensus because the local press corps has been unable to reach agreement on the council umbrella, its membership and other details. The Government wishes to keep the options open for the Journalists' Union, the private media sector and civil society institutions on the final form of the complaints council.

120. It should be noted that Jordan's ranking in the World Press Freedom Index rose by eight points in 2016, according to Reporters Without Borders. Jordan ranked 135th in the world in 2016, compared to 143rd in 2015.

Right of peaceful assembly and freedom of association (arts. 21 and 22)

121. A Committee was established in the Ministry of Social Development to study the requisite amendments to the Societies Act and a bill was drafted to that effect. Twelve consultations were held with associations throughout the Kingdom so that they could express their views on the bill amending the Societies Act in cooperation with federations of charitable associations in the governorates and social development departments in the field. Attention was drawn to impediments to the associations' work due to inconsistencies with existing legal provisions, and associations specializing in different areas submitted requests to have certain legal provisions of the current law amended. A list of the requested amendments was compiled. In addition, two consultative meetings were held with legal advisers in the 13 ministries involved. A dialogue attended by the Governmental Coordinator for Human Rights was held with civil society organizations. Amendments to the Societies Act are still being drafted with a view to promoting the right to freedom of association in the human rights system and ensuring its compatibility with international treaties.

Rights of the child (art. 24)

122. The Ministry of Labour has increased the number of inspection visits by the Child Labour Department and field liaison officers to institutions that employ children, especially in sectors where child labour exists. It also receives complaints regarding employers responsible for the illegal recruitment of children. The number of child labour inspection visits conducted in 2015 and 2016 totalled approximately 10,063.

123. Employers were alerted to their obligation to refrain from employing children save in accordance with the law and to obtain the necessary approval. A website on combating child labour was launched and the National Committee to Combat Child Labour held a number of workshops and training courses on the subject.

124. With regard to the legislative framework for the protection of children's rights in the labour market, articles 73 to 76 of the Labour Code (Act No. 8 of 1996), as amended, contain the regulations governing child labour, working hours, breaks and hazardous work for which juveniles may not be recruited (pursuant to a decision by the Ministry of Labour).

125. Employers are required, when recruiting juveniles, to request that the recruits or their guardians submit an authenticated copy of the juvenile's birth certificate and a health certificate issued by a competent physician or the Ministry of Health. The guardian's consent thereto must be provided in writing.

Participation in public affairs (art. 25)

126. The State of Jordan is aware of the importance of women's presence and participation in political life, and regards it as an essential component of the process of development in general and of political development in particular. Jordan was one of the first States to adopt the Universal Declaration of Human Rights, which enshrines the right of all persons, both men and women, to freedom of opinion and expression. Jordan was also one of the first States to sign the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, which provides for equality of men and women, and the Convention on the Elimination of All Forms of Discrimination against Women, which is a powerful lever for enhancement of the rights of Jordanian women, for enabling them to participate in political life, and for empowerment of women in the Political Parties Act and the Electoral Act, entailing advances in civil and political rights.

Political participation of Jordanian women

127. National legislation and policies have supported women's participation in public life, particularly the following legislation:

The Jordanian Constitution

128. The Jordanian Constitution lays the foundation for the view that all Jordanians are equal, and that there is no discrimination between them in terms of rights and duties on grounds of race, language or religion. It also stipulates that every Jordanian is entitled to be appointed to public offices. The National Charter supports the provisions of the Constitution, providing for equality, justice and equality of opportunity for all citizens, be they male or female, without discrimination.

The Electoral Act

129. The proportion of seats held by women in the House of Representatives (15.3 per cent) is approaching the average global ratio of women representatives in parliamentary bodies, which is 21.8 per cent. Women aspire to achieve a ratio of at least 30 per cent, which is the target set by the United Nations:

1. The mid-1950s witnessed significant attempts to amend the Electoral Act to allow women to participate in politics. Women secured the right to stand for election and to be elected to parliament for the first time in 1974, pursuant to Act No. 8 of 1974, article 2 of which stipulates that:

"The definition of the word 'Jordanian' in article 2 (a) of the original Act shall be amended by deleting the word 'male' and replacing it with 'male or female'." Following the promulgation of the Act, women participated for the first time in official bodies in 1978, namely in the National Advisory Council, which was established by appointment from 1978 to 1984 in order to fill the constitutional vacuum created by the parliamentary standstill that followed the 1967 war. His Majesty the late King Hussein bin Talal appointed women to 3 of the 60 seats: Ina'am al-Mufti, Widad Boulos and Nayla al-Rashdan.

1.* Jordanian women participated for the first time as voters and candidates in the 1989 elections, but they did not win any seats in those elections;

2. Tujan Faisal ran for a seat in the House of Representatives in 1993. It was the first time in the country's history that a woman won a parliamentary seat;

3. The temporary Electoral Act was amended in 2003 to introduce the quota system for women, who were allocated 6 seats (out of 110) in parliament, and to treat the Kingdom as a single constituency in the elections so that the six women receiving the highest percentage of votes at the level of the Kingdom were elected;

4. Temporary Electoral Act No. 9 of 2010 provided for an increase in the representation of women in the House of Representatives by raising the quota of seats to 12. The Kingdom's efforts continued to increase the political participation of women. Thus, 15 out of 150 seats in the House of Representatives were reserved for women (10 per cent). In addition, three women were elected to the seventeenth House of Representatives, increasing the ratio to 12 per cent.

5. The new Election of the House of Representatives Act of 2016, pursuant to which the elections to the eighteenth House of Representatives were held, stipulates in article 9 (a) that: "Candidates for the parliamentary seats allocated to each electoral district shall be nominated by means of a proportional open-list system." The list should include no fewer than three candidates and no more than the number of seats allocated to the electoral district. Article 9 (d) states that candidates for seats reserved for women should be included in the lists. Accordingly, such candidates are not taken into account in the maximum number of candidates on the list.

List of indicators of women's political empowerment

Indicators of political participation:

Indicator	*Percentage*

* The numbering of the subparagraphs, i.e. two subparagraphs 1, reflects the original.

Indicator	*Percentage*
Ratio of women in the lower house (House of Representatives)	15.3%
Ratio of women in the upper house (Senate)	15.38%
Ratio of participation by women in political parties	30.2%
Approximate ratio of participation by women in trade unions	22%
Ratio of women in councils of professional associations	11.7%
Ratio of women in professional associations	34.7%
Ratio of participation by women in municipal councils	27.8%
Approximate ratio of participation by women in the diplomatic corps	18.8%
Ratio of women in chambers of industry	4.3%
Ratio of women in chambers of commerce	0.6%
Proportion of women judges	18.1%

130. The governorate decentralization project, which is a major achievement and a historic turning point in the process of political reform and administrative development in Jordan, will open up new possibilities for democratic change on behalf of the general public. Alongside the House of Representatives and elected municipal councils, there will be local councils in the governorates that will enable citizens to become partners in the decision-making process and in setting priorities and allocating the requisite budgets. Priorities will thus be determined locally rather than in the capital, and the governorates, through the local, municipal and executive council, will have the last word when it comes to determining priorities and expenditure. Moreover, the legal quota of seats reserved for women is 10 per cent.

131. The Council of Ministers also decided to repeal article 308 of the bill amending the Criminal Code in response to the recommendations of the Royal Commission for Developing the Judiciary and Enhancing the Rule of Law, which the Council of Ministers had officially decided to adopt following the submission of the report to His Majesty King Abdullah II. The bill also enhances the protection provided under the Criminal Code for certain groups of women, children and people with special needs by prescribing harsher penalties for specific offences committed against them.

132. The Social Security Act, which was promulgated as a permanent law in 2014, addresses the issue of the salary of a deceased woman, so that it can be fully inherited, as in the case of a man's salary, by the beneficiaries, including her husband if he is incapacitated. It allows the widow to combine with her salary the full share of her husband's retirement or disability pension to which she is entitled, and to combine it with the share of the retirement and disability benefits she inherits from her parents and children.

133. The Act also grants a daughter who receives retirement or disability benefits the right to combine these benefits with the share of her parents' retirement or disability pension to which she is entitled. She is also entitled to continued disbursement of the female share as a beneficiary if she is unemployed or married, regardless of her age. In addition, a mother is entitled to her share of benefits from a deceased child, without any condition or restriction.

134. The 2016 Act amending the Sharia Proceedings Act contains new fair trial norms and establishes fair and simplified procedures for appealing against judgments. In addition, the Composition of Sharia Courts Act provided for the establishment of the Sharia Public Prosecution Service and the Sharia Supreme Court, thereby increasing the levels of litigation and safeguarding the rights of litigants.

135. The Act amending the Passports Act of 2013 repeals the provision requiring the written consent of the husband or guardian for the issuance of a passport to his wife and children. The Civil Service Regulations of 2013 and the 2014 amendments thereto also grant privileges aimed at promoting women's involvement in the public sector.

136. Regulation No. 161 of 2016 on shelters for women at risk provides for practical and effective measures to combat violence against women, and to bolster protection, counselling, rehabilitation and shelter services for victims of sexual abuse and for women who receive death threats on the ground of so-called family honour.

137. With regard to gender mainstreaming and the development of national plans, the Council of Ministers has issued a number of communications to ministries and official institutions since April 2014 with a view to conducting a comprehensive review of the legislation governing each entity's work and assessing its compatibility with ratified international treaties.

138. Steps were taken to align national plans and the Jordanian Strategy for Women with the 2030 Sustainable Development Goals concerning women, and to include a number of feasible measures aimed at enhancing women's participation in the productive process, providing social protection and amending legislation that discriminates against women in the labour market.

139. The objectives contained in the Comprehensive National Plan for Human Rights that was recently adopted by the Government include action to ensure women's enjoyment of their rights, achievement of justice and equality of opportunity by reviewing and proposing amendments to the legislation pertaining to women's rights, establishment of oversight mechanisms to monitor compliance by public and private-sector institutions with relevant legislation, and provision of a safe environment for women.

140. With regard to the judiciary, the representation of women increased over a five-year period from 6 per cent in 2009 to 18 per cent in 2014, when there were 174 female judges. During the current year, the number of women judges has risen to 189, in accordance with the Government's plan to achieve 40 per cent representation of women in the judiciary.

141. Women hold high-level positions in the judiciary, such as president of a court of first instance, public prosecutor and chamber member of a court of appeal, and prosecutor general and vice-president of the administrative public prosecution service. A woman judge was also elected to the Criminal Court of South Amman in late March 2017 and thus became the first woman to serve in a criminal court chamber.

142. The ratio of women in the diplomatic corps is 18 per cent. Most women hold middle-ranking offices as first, second and third secretaries, while women account for 11 per cent of the country's ambassadors.

143. The Ministry has taken the following action:

- Updating of data on Jordanian women's institutions and associations;
- Monitoring of indicators of the political participation of Jordanian women;
- Classification of national and international legislation concerning women's political participation;
- Training with respect to the Electoral Act;
- Development of local oversight material and training courses (for civil society), and preparation of female and male observers for the elections;
- Preparation of training material and holding of training courses on the organization of electoral campaigns;
- Convening of a round table on the Decentralization Act and development of women's leadership skills in cooperation with partner civil society institutions;
- The Ministry is a member of the Ministerial Committee for the Empowerment of Women.

Dissemination of information relating to the Covenant (art. 2)

144. The International Covenant on Civil and Political Rights was published in the Official Gazette. It has thus become part of Jordanian legislation, so that the Jordanian

judiciary can invoke the provisions of the Covenant, particularly article 19, in legal proceedings.